IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 14TH NOVEMBER 2007 / 23RD KARTHIKA 1929

Crl.Rev.Pet.No. 2487 of 2003()

CRA.172/2000 of SESSIONS COURT, MANJERI
CC.381/1998 of JUDL.MAGISTRATE OF FIRST CLASS COURT-I, MANJERI

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REVN. PETITIONER: APPELLANT/ACCUSED.

MANHARTHODY CHANDRAN, S/O.VELAYUDHAN,
THIRIVALI AMSOM, POST THIRUVALI,
MALAPPURAM DISTRICT.

BY ADV. SRI.K.M.SATHYANATHA MENON

RESPONDENTS: RESPONDENT/COMPLAINANT & STATE.

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1. THE SUB INSPECTOR OF POLICE,
WANDOOR, MALAPPURAM DISTRICT.

2. STATE OF KERALA, REP. BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.C.K.SURESH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 14/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU, J

Crl.R.P.No.2487 of 2003

Dated this the 14th day of November, 2007

O R D E R

The revision petitioner stands convicted for the offences under Sections 279, 337, 338 and 304(A) IPC and sentenced to undergo R.I. for six months for the offence under Section 279 IPC and to undergo R.I. for six months for the offence under Section 338 IPC and also to undergo R.I. for one year for the offence under Section 304(A) IPC. No separate sentence is awarded for the offence under Section 337 IPC.

2. The prosecution case is that on 29.3.1998 at about 7.15 a.m. the accused drove stage carriage bus bearing registration No.KL10/C-4140 through Kalikavu-Wandoor public road in a rash and negligent manner so as to endanger human life and dashed against an autorickshaw and one of the passengers succumbed to the injuries sustained and others sustained grievous injuries.

3. Counsel for the revision petitioner has only sought for modification of the sentence. He has pointed out that more than

9 years have elapsed since the commencement of the proceedings. The accused was facing the proceedings so far and that the sole means of livelihood of his family is his income.

4. In the circumstances, the sentence imposed for the offence under Section 304(A) IPC is modified to imprisonment till the rising of the court and to pay a compensation of Rs.35,000/- to PW2, the husband of the deceased and in default, to undergo simple imprisonment for six months. He is also sentenced to pay a fine of Rs.1,000/- for the offence under Section 338 IPC and in default, to undergo simple imprisonment for one month. He is also sentenced to pay a fine of Rs.1,000/- for the offence under Section 279 IPC and in default, to undergo simple imprisonment for two weeks. The revision petitioner is granted four months' time to remit the amount of compensation. He shall appear before the Judicial First Class Magistrate Court-I, Manjeri on 14.3.2008 to receive sentence.

The criminal revision petition is disposed of accordingly.

K.R.UDAYABHANU,
JUDGE

csl